

**** Bill No. ****

Introduced By *****

By Request of the *****

(grey bill)
(alternative)
for amendments
to 45-3-103

A Bill for an Act entitled: "An Act ."

Shockley's
COLORADO
LANGUAGE:

Be it enacted by the Legislature of the State of Montana.

JUDICIAL
CLERK NO. 2
DATE 3/27/09
BILL NO. HB228

Section 1. Section 45-3-103, MCA, is amended to read:

"45-3-103. Use of force in defense of occupied structure or dwelling. A (1) (a) Except as provided in subsection (2), a person is justified in the use of force or threat to use force against another when and to the extent that he the person reasonably believes that ~~such conduct~~ the use of force is necessary to prevent or terminate ~~such~~ the other's unlawful entry into or attack upon an occupied structure. However, he

(b) A person justified in the use of force pursuant to subsection (1) (a) is justified in the use of force likely to cause death or serious bodily harm only if:

~~(1)(i) the entry is made or attempted in violent, riotous, or tumultuous manner and he~~ the person reasonably believes that ~~such~~ the force is necessary to prevent an assault upon ~~or offer of personal violence to him~~ the person or another then in the occupied structure; or

~~(2)(ii) he~~ the person reasonably believes that ~~such~~ the force is necessary to prevent the commission of a forcible felony

in the occupied structure.

(2) Any occupant of a dwelling is justified in using any degree of physical force, including deadly force, against another person if:

(a) that other person has made an unlawful entry into the dwelling;

(b) the occupant has a reasonable belief that the other person:

(i) has committed a crime in the dwelling in addition to the unlawful entry; or

(ii) is committing or intends to commit a crime against a person or property in addition to the unlawful entry; and

(c) the occupant reasonably believes that the other person might use any physical force, no matter how slight, against any occupant of the dwelling."

{ Internal References to 45-3-103:
ok 45-3-105* }

- END -

{ Name : Valencia Lane
Title : Staff Attorney
Agency : LSD
Phone : 444-4025 }